

Serial No. 09/709,830

- 10 -

Art Unit: 2142

REMARKS

This Amendment is responsive to the Office Action dated February 23, 2005. All rejections and objections of the Examiner are respectfully traversed. Reconsideration and further examination are respectfully requested.

At paragraphs 3-15 of the Office Action, the Examiner rejected claims 1-4, 6-14, 18-42 and 44 under 35 U.S.C. 102(e) as being anticipated by United States Patent number 6,757,729 of Devarakonda et al. ("Devarakonda et al."). Applicants respectfully traverse this rejection.

Devarakonda et al. disclose a system for downloadable just-in-time middleware that provides access to network services, including system services such as printing and local storage, to applications that run on Network Computers. The Devarakonda et al. system configures default client services and stores information about them. When an application executing on the Devarakonda et al. network computer wishes to use one of the services, it communicates with its local middleware, which returns a handle to the appropriate service to complete the service request.

The logical organization of the Devarakonda et al. system is described with reference to a three tier client/server strategy, in which tier 1 represents the client function, tier 2 represents the service provider, and tier 3 represents the data object server (i.e., information storage). The Devarakonda et al. system is described as relating to tiers 1 and 2, and the interface in between. Devarakonda et al. teach that a service provider can be designed to either reside completely on a tier 2 server, or to allocate its function between tiers 1 and 2 by providing a special service stub. Such stubs are downloaded for such services residing on both tier 1 and tier 2. See column 2 lines 20-40, and column 3 lines 47-49 of Devarakonda et al. Each stub object for a given service

Serial No. 09/709,830

- 11 -

Art Unit: 2142

of Devarakonda et al. is used to provide a connection to that service across tier 1 and tier 2. See column 4, lines 19-26 of Devarakonda et al.

When an application program needs a service, it asks the Devarakonda et al. middleware to register the service to obtain a handle. If there is a stub for a desired service, then the stub may be downloaded to the client at that time to provide the service connection between the client and the service provider. See column 4, line 60, through column 5, line 3 of Devarakonda et al.

Nowhere in Devarakonda et al. is there disclosed or suggested any system or method for performing a service on a network device, including:

...  
checking the service relationships of the loaded service against a stored service registry, wherein the service registry includes indications of services and indications of dependencies of services on other services, and wherein the checking the service relationships of the loaded service includes *determining whether all other services the loaded service depends on are available*; and  
causing the service to be executed on the network device *only if the services the loaded service depends on are available*. (emphasis added)

as in the present independent claim 1. Independent claims 18, 35 and 43 include analogous features. In contrast, Devarakonda et al. describe a system in which an application program that needs a service causes middleware to determine whether a stub for that service is present to provide a connection to the service. Devarakonda et al. includes no hint or suggestion of any determining whether *all other services* the loaded service depends on are available, or of causing the service *to be executed only if the services the loaded service depends on are available*, as in the present independent claims. Devarakonda et al. instead is concerned with looking for a service stub for the service to be used on the client, such as the stub objects shown in Fig. 4 of Devarakonda et al.. If the stub for the desired service is found, as described in column 4 lines 20-25 of Devarakonda et al., the service stub provides the desired service across the tiers 1 (client

Serial No. 09/709,830

- 12 -

Art Unit: 2142

function) and 2 (service provider) of a client/server strategy. Devarakonda et al. makes no attempt to determine whether all other services the loaded service depends on are available, or to cause the service to be executed on the network device only if the services the loaded service depends on are available, as in the present independent claims.

For the above reasons, Applicants respectfully urge that Devarakonda et al. does not disclose or suggest all the features of the present independent claims 1, 18, 35 and 44. Accordingly, Devarakonda et al. does not anticipate the present independent claims 1, 18, 35 and 44 under 35 U.S.C. 102. As to claims 2-4, 6-14 and 19-42, they each depend from claims 1, 18 and 35, and are believed to be patentable over Devarakonda et al. for at least the same reasons.

At paragraphs 16-21, the Examiner rejected claims 5, 15-17 and 43 for obviousness under 35 U.S.C. 103, again citing Devarakonda et al., and additionally citing United States patent number 6,658,580 of Bell et al. ("Bell et al."). Applicants respectfully traverse this rejection.

Bell et al. disclose a network device including redundant, synchronous central timing subsystems (CTSs) each having a voltage controlled timing circuit for receiving a constant master voltage signal and variable slave voltage signal. Bell et al. also teaches a modular software architecture, in which applications gather necessary information (i.e., metadata) from a variety of sources, for example, text files, JAVA class files and database views. The relevant disclosure of Devarakonda et al. is discussed above with regard to the rejections under 35 U.S.C. 102.

Applicants first respectfully urge that the Examiner has not established a sufficient motivation to combine the cited references. A *prima facie* case of obviousness under 35 U.S.C. 103 must include a showing of a suggestion, teaching or motivation that would have led a person of ordinary skill in the art to combine the cited references *in the particular manner claimed*. See

Serial No. 09/709,830

- 13 -

Art Unit: 2142

In re Dembiczak, 175 F.3d 994, 998 (Fed. Cir. 1999), and In re Kotzab, 217 F.3d 1365, 1371 (Fed. Cir. 2000). In the Office Action, and apparently in this regard, the Examiner asserts at paragraph 16 that a person of ordinary skill in the art would have been motivated to combine the teachings of Devarakonda et al. and Bell et al. to "utilize Virtual machine with registry services" and to "provide a dynamic services included control and management to the network devices". However, nothing in Devarakonda et al. and Bell et al., taken independently or in combination, suggests the desirability of modifying either Devarakonda et al. or Bell et al. to provide a system that determines whether all other services a loaded service depends on are available, or to cause the service to be executed on a network device only if the services the loaded service depends on are available, as in the present independent claim 1, from which claims 5 and 15-17 depend, and in the present independent claim 43.

Even if there were sufficient motivation to combine Devarakonda et al. and Bell et al., and Applicants make no admission that such motivation exists, the combination still does not teach the present claims. Nowhere in Devarakonda et al. or Bell et al., taken independently or in combination, is there disclosed or suggested any system or method for performing a service on a network device, including:

...  
checking the service relationships of the loaded service against a stored service registry, wherein the service registry includes indications of services and indications of dependencies of services on other services, and wherein the checking the service relationships of the loaded service includes *determining whether all other services the loaded service depends on are available*; and

causing the service to be executed on the network device *only if the services the loaded service depends on are available*. (emphasis added)

Serial No. 09/709,830

- 14 -

Art Unit: 2142

as in the present independent claim 1, from which claims 5 and 15-17 depend. Analogous features are also found in the present independent claim 43. Bell et al. teaches the possible use of Java class files in a modular software architecture, but this teaching, like the teachings of Devarakonda et al., fails to disclose or suggest a system that determines whether all other services a loaded service depends on are available, or to cause the service to be executed on a network device only if the services the loaded service depends on are available, as in the present independent claim 1, from which claims 5 and 15-17 depend, and in the present independent claim 43.

For the above reasons, Applicants respectfully urge that the combination of Devarakonda et al. and Bell et al. does not disclose or suggest all the features of the present independent claims 1, from which claims 5 and 15-17 depend, or independent claim 43. Accordingly, the combination of Devarakonda et al. and Bell et al. does not support a *prima facie* case of obviousness under 35 U.S.C. 103 with regard to the present independent claims 1 and 43, and dependent claims 5 and 15-17 are believed to be patentable over the combination of Devarakonda et al. and Bell et al. for at least the same reasons. Applicants also respectfully urge that the Examiner has not identified sufficient motivation to combine the Devarakonda et al. and Bell et al. references.

Reconsideration of all pending claims is respectfully requested.

In view of the above, Applicants respectfully request that all rejections and objection of the Examiner be withdrawn. All claims are believed to be allowable, and the application is believed to be in condition for allowance. Favorable action is respectfully requested.

Serial No. 09/709,830

- 15 -

Art Unit: 2142

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone David A. Dagg, Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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Date

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Docket No. 0270157 120-077